

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of)	
Jeffrey Pitzer,)	
)	
Complainant,)	
)	
v.)	Case No. 15-298-GE-CSS
)	
Duke Energy Ohio, Inc.)	
)	
Respondent.)	
)	
)	

**DUKE ENERGY OHIO INC.'S MOTION FOR
SUBPOENA *DUCES TECUM* TO CHEVIOT SAVINGS BANK**

Pursuant to Ohio Administrative Code § 4901-1-25, Duke Energy Ohio, Inc., (“Duke Energy Ohio” or “Company”) respectfully moves the Public Utilities Commission of Ohio (“Commission”), any commissioner, the legal director, the deputy legal director, or an attorney examiner to issue a subpoena *duces tecum* (“Subpoena”)¹ directed to Cheviot Savings Bank (“Cheviot”) that compels Cheviot to produce a person(s) to attend and give deposition testimony upon oral examination at a location of Duke Energy Ohio and Cheviot’s mutual agreement on September 4, 2015, at 12:00 p.m. (EST).

The Subpoena further compels Cheviot to produce documents to Duke Energy Ohio covering the same topics by September 2, 2015, at 5:00 p.m. (EST). *See* Ohio Administrative Code § 4901-1- 25(D).² As described in the attached Subpoena, Duke Energy Ohio requests that

¹ A copy of the subpoena is attached hereto as Exhibit A.

² Duke Energy Ohio is willing to negotiate the time and place of the deposition. Additionally, Duke Energy Ohio is willing to accept delivery of the requested documents in lieu of Cheviot presenting a witness for deposition.

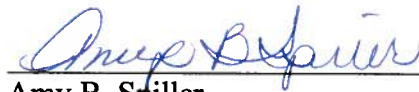
the Commission order Cheviot to produce all documents within its possession, custody, or control that are relevant to the following topic:³

1. Any and all documents related to accounts in the name of Dorothy Easterling, DOB: 5/1927, SSN: 290-22-xxxx, including, but not limited to, monthly statements and images of checks for any checking accounts, savings accounts, CDs, etc., in the year 2011.

The grounds for this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

DUKE ENERGY OHIO, INC.



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³ See Ohio Administrative Code § 4901-1-25(D).

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**MEMORANDUM IN SUPPORT OF DUKE ENERGY OHIO, INC.'S
MOTION FOR SUBPOENA *DUCES TECUM*
TO CHEVIOT SAVINGS BANK**

In this proceeding Claimant, Jeffrey Pitzer ("Pitzer"), seeks compensatory damages against Duke Energy Ohio for alleged wrongful death pursuant to improper disconnection of utilities for non-payment causing the deaths of Dorothy Easterling and Estill Easterling, III. Duke Energy Ohio has propounded discovery to Pitzer seeking information relevant to these allegations, including, but not limited to, Mrs. Easterling's financial information. Although he is the personal representative of the decedents' estates, Pitzer claims that the bank account records are not in his possession, custody, or control and he has instead directed Duke Energy Ohio to request the records directly from Cheviot.

Thus, the Commission should require Cheviot to provide the requested information as described in the Subpoena attached to Duke Energy Ohio's motion. In order to more fully develop the record in this case, Duke Energy Ohio seeks to depose person(s) from Cheviot and receive relevant documents from Cheviot. Duke Energy Ohio respectfully asks that the Commission grant this motion.

Respectfully submitted,

DUKE ENERGY OHIO, INC.



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Eberly McMahon Copetas LLC
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Cincinnati, Ohio 45206
(513) 533-3441 (telephone)

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for Subpoena was served on the following parties this 17th day of August, 2015 by regular U. S. Mail, overnight delivery or electronic delivery.



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Duke Energy Ohio, Inc.)	
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Respondent.)	
)	
)	

SUBPOENA DUCES TECUM

TO: Cheviot Savings Bank
3723 Glenmore Avenue
Cheviot, OH 45211

Upon application of Duke Energy Ohio, Inc. ("Duke Energy Ohio"), Cheviot Savings Bank ("Cheviot") is hereby required to provide documents related to the following topic:

1. Any and all documents related to accounts in the name of Dorothy Easterling, DOB: 5/1927, SSN: 290-22-xxxx, including, but not limited to, monthly statements and images of checks for any checking accounts, savings accounts, CDs, etc., in the year 2011.

Cheviot is required to produce a person(s) with knowledge and expertise related to these documents. This person(s) is required to attend and give deposition testimony upon oral examination at a location of Duke Energy Ohio and Cheviot's mutual agreement on September 4, 2015, at 12:00 p.m. (EST). The deponent(s) is required to attend from day-to-day until deposition(s) is completed.

In addition to a witness, Cheviot must provide all documents within its possession, custody, or control that are relevant to the above-described topics. Cheviot is required to produce documents to counsel for Duke Energy Ohio covering these same topics by September 2, 2015, at 5:00 p.m. (EST).

Additionally, Duke Energy Ohio is willing to accept delivery of the requested documents in lieu of Cheviot presenting a witness for deposition.

Dated at Columbus, Ohio, this _____ day of _____, 2015.

Attorney Examiner

NOTICE: If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned. Every copy of this subpoena for the witness must contain this notice.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/17/2015 2:32:15 PM

in

Case No(s). 15-0298-GE-CSS

Summary: Motion Duke Energy Ohio, Inc.'s Motion for Subpoena Duces Tecum to Cheviot Savings Bank electronically filed by Ms. E Minna Rolfes on behalf of Amy B. Spiller and Duke Energy Ohio, Inc.